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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,924	01/25/2001	Andrea Bimson	40655.0300	5337

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EXAMINER	
JACOBS, LASHONDA T	
ART UNIT	**PAPER NUMBER**
2157	9

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/769,924	BIMSON ET AL.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4 and 7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: note reference numeral 101 of Figure 1, references numeral 203, 208 and 230 of Figure 2, reference numerals 308 and 324 Figure 3, reference numerals 612 and 614 of Figure 6, reference numerals 710, 712 and 714 and reference numeral 802. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 of the instant application 09/769,924 is unpatentable under the judicially created doctrine of "obviousness-type" double patenting with respect to claim 11 of child U.S. Application No. 09/897,858.

Application '924 claim 1 defines an obvious variation of the invention *claimed* in U.S. Application No. 09/897,858.

Initially it should be noted that --This application is the parent of Application Number 09/897,858, filed July 2, 2001, which claims benefit of provisional application 60/178,376... ", having the same Assignee in all applications. The assignee of all applications is American Express Travel Related Services Co., Inc..

Claim 11 of the instant application '858 contains all the limitations of claim 1 of the instant application '924 and as such the '858 instant application anticipates claim 1 of the '924 instant application. Claim 11 of the '858 instant application therefore is not patently distinct from the '924 instant application claim 1 and as such is unpatentable for obvious-type double patenting.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabney et al (hereinafter, "Dabney", 6,643,663) in view of Plantz et al (hereinafter, "Plantz", 6,088,702).

As per claims **1** and **12**, Dabney discloses a system and method for implementing changes to content on an Internet website server, comprising

- an intranet server coupled to provide input to said internet server (col. 5, lines 24-42, col. 6, lines 22-47 and lines 60-64);
- a workflow application coupled to said intranet server (col. 5, lines 24-49);
- an author (web editor) interfacing with said workflow application to develop and provide page content in said workflow application (col. 5, lines 24-42 and col. 6, lines 21-47); and
- at least one reviewer (manager) interfacing with said workflow application for receiving and reviewing said page content (col. 5, lines 24-42 and col. 6, lines 21-47).

However, Dabney does not explicitly disclose:

- an administrator interfacing with said workflow application for receiving page content reviewed and approved by said at least one reviewer and launching said content to said intranet server for input to said internet server.

Plantz discloses a Group Publishing System including:

- an administrator interfacing with said workflow application for receiving page content reviewed and approved by said at least one reviewer and launching said content to said intranet server for input to said internet server (col. 10, lines 63-67 and col. 11, lines 1-42).

Given the teaching of Plantz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dabney by incorporating or implementing an

administrator to review and edit documents in a database and uploading the documents to the web in timely and efficient manner.

As per claims **2** and **13**, Dabney further discloses:

- at least a second reviewer (manager) interfacing with said workflow application (col. 5, lines 24-42).

As per claim **3**, Dabney discloses:

- wherein said at least one reviewer is an editor (col. 5, lines 24-42).

As per claim **4**, Dabney discloses:

- wherein said at least a second reviewer is a legal reviewer (col. 5, lines 24-42 and col. 6, lines 21-25).

As per claim **5**, Dabney discloses:

- wherein said at least a second reviewer is a business owner (manager) (col. 5, lines 24-42).

As per claims **6** and **14**, Dabney discloses:

- wherein said at least one reviewer rejects said page content and returns said rejected page content to said workflow application for revision by said author, said author revising said page content and returning said revised page content to said workflow application for review (col. 5, lines 24-42).

As per claim **7**, Dabney discloses:

- wherein said at least a second reviewer rejects said page content and returns said rejected page content to said workflow application for revision (col. 5, lines 24-42).

As per claim **8**, Dabney discloses:

- wherein said rejected page content returned to said workflow application is sent to said author for revision (col. 5, lines 24-42).

As per claim **9**, Dabney discloses:

- wherein said rejected page content returned to said workflow application is sent to said at least one reviewer for revision (col. 5, lines 24-42).

As per claims **10**, **11** and **15**, Dabney discloses the invention substantially as claimed.

However, Dabney does not explicitly disclose:

- said administrator interfacing with said workflow application for receiving revised page content reviewed and approved by said at least one reviewer and launching said content to said intranet server for input to said internet server.

Plantz discloses a Group Publishing System including:

- said administrator interfacing with said workflow application for receiving revised page content reviewed and approved by said at least one reviewer and launching said content to said intranet server for input to said internet server (col. 10, lines 63-67 and col. 11, lines 1-42).

Given the teaching of Plantz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dabney by incorporating or implementing an administrator to review and edit documents in a database and uploading the documents to web in timely and efficient manner.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,393,456 to Ambler et al

U.S. Pat. No. 5,999,911 to Berg et al

U.S. Pat. No. 5,852,435 to Vigneaux et al

U.S. Pat. No. 6,038,573 to Parks

U.S. Pat. No. 6,170,002 to Ouchi

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
April 28, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100